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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,263	08/01/2003	Dean Leighton Taylor Hallows		5500

7590 03/06/2007
Dale R. Lovercheck, Esquire
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570 West College Avenue
York, PA 17405

EXAMINER

STOKES, CANDICE CAPRI

ART UNIT	PAPER NUMBER
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3732

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/632,263

Applicant(s)

HALLOWS, DEAN LEIGHTON
TAYLOR

Examiner

Candice C. Stokes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-16, 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-16 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-16 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenstein (USPN 4,060,897) in view of Ferranti (US 2001/0031443). Greenstein discloses a dental instrument (see Figure 1) comprising: a generally cylindrical handle (20) having a threaded opening (26) for receiving a tool tip connector (30); a first metal tip (34) having a threaded portion (28) on one end; said handle (20) being connected to said first metal (see column 7, lines 64-66) tool tip (34) by said tool tip connector (30), wherein said connector (30) includes an opening (see column 6, lines 66-68) on a first end for receiving said tool tip (34) and a threaded portion (28) on an opposing second end for engaging said threaded opening (26) of said handle (20) to fasten said connector (30) to said handle (20). Flanges (36) have openings (37) for plastic to flow through. It is well known in the art that threads may be added to the opening for an enhanced secure fit of tip (34) into the opening. Ferranti teaches an elastomeric, nonmetal cover 10 as shown in Fig. 2. This also reads on Claim 15. The cover 10 having a central region (as best seen in Figure 4 where "T" is shown) and a first and second enlarged region (17,18) on opposite sides of the central region, which are integrally connected to the central region. Also the central region has a central wall having a smallest outer diameter at point of least wall thickness and the first and second enlarged regions (17,18) having a largest

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outer diameter at the greatest wall thickness at a thickest point on the outer surface of the cover

10. As to Claim 6, Greenstein discloses a second tip 68. To Claim 7, Ferranti teaches raised portions 17,18 on cover 10. Further to amended Claims 1-8 and 10-12, Ferranti teaches a cover 10 formed of "elastomeric material [0012]. Specifically to claims 8 and 20, Ferranti does not specifically teach a silicone polymer. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a silicone polymer, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. With further regard for claim 19, Greenstein discloses a second end (100) as best seen in Figure 10 for second tool tip connector (98) and second tool tip (102) with a threaded portion (105) on the second end of the connector (98) for engaging said second threaded opening (106) in handle (20). To claim 21, the handle (20) is considered to be a cylindrical metal tube having a central channel and connector (30) is considered to be a metal tie bar. To claim 10, the use of an adhesive to adhere the cover to the handle is not patentable subject matter, since it is well known in the art that adhere two pieces together may be done by a variety of means including using adhesives.

Further regarding Claims 1-5,11, and 16, Currie and Ferranti disclose the claimed invention except for the ranges as stated in these claims however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the ranges as stated in the claims, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

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As to Claims 12 and 13, Currie and Ferranti disclose the claimed invention except for the cover comprising a plurality of colors. It would have been an obvious matter of design choice to change the color or use any color, since such a modification would have involved a mere change in the color of a component. A change in color is generally recognized as being within the level of ordinary skill in the art.

Response to Arguments

Applicant's arguments with respect to claims 1-8, 10-16, and 19-21 have been considered but are moot in view of the new ground(s) of rejection. The response and amendment filed 12/18/06 is not completely legible. All rejections were applied as best as possible. For future submissions, please provide a legible submission. In regards to arguments on page 9 of the Remarks (see mid-page), the claims are directed to a removable tip; therefore this feature has not been given any patentable weight.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Candice C. Stokes whose telephone number is (571) 272-4714.


The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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